

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL ASBERRY,

NO. CIV. S-01-2343 LKK/PAN

Plaintiff,

v.

CITY OF SACRAMENTO/SANITATION  
DEPARTMENT,

Defendant.

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MICHAEL ASBERRY,

NO. CIV. S-04-2467 LKK/PAN

Plaintiff,

v.

O R D E R

CITY OF SACRAMENTO, et al.,

Defendants.

\_\_\_\_\_  
Pending before the court is defendant's motion to consolidate the two above-captioned cases. Having considered the pleadings, the parties' papers, and after oral argument, the court concludes that the above-entitled actions are appropriate candidates for

1 consolidation under Rule 42(a) of the Federal Rules of Civil  
2 Procedure. It appears that consolidation of the actions is likely  
3 to effect a substantial saving of judicial effort and be convenient  
4 for the parties. The two trials, however, shall be bifurcated.

5 The parties should be aware that consolidation does not merge  
6 the actions into a single action. Alfred Dunhill of London v.  
7 Republic of Cuba, 425 U.S. 682, 735 n.22 (1976). Each action  
8 remains separate and requires entry of a separate judgment.

9 9 Wright & Miller, Federal Practice and Procedure § 2382, pp.  
10 254-55 (1971).

11 Therefore, IT IS ORDERED that:

12 1. The actions are CONSOLIDATED;

13 2. The trials in the above-actions shall be BIFURCATED;

14 2. Case No. Civ. S-01-2343 is designated as the "master  
15 file";

16 3. The Clerk is directed to copy the complaint and answer in  
17 case no. Civ. S-04-2467 and to place said copies in the "master  
18 file";

19 4. The Clerk is directed to administratively close case no.  
20 Civ. S-04-2467;

21 5. The parties are directed to file all future pleadings ONLY  
22 in case no. Civ. S-01-2343; and

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1           6. The Status Conference scheduled for March 20, 2006 is  
2 VACATED. The parties shall be prepared to discuss both cases at  
3 the Pretrial Conference currently scheduled for March 6, 2006.

4           IT IS SO ORDERED.

5           DATED: March 3, 2006.

6                               /s/Lawrence K. Karlton  
7                               LAWRENCE K. KARLTON  
8                               SENIOR JUDGE  
9                               UNITED STATES DISTRICT COURT  
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